

SENATE BILL No. 398

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-2-7-10.1.

Synopsis: County recorder sale of bulk form copies. Provides that a county recorder may sell bulk form copies of recorded documents to bulk users.

Effective: July 1, 2007.

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January 11, 2007, read first time and referred to Committee on Local Government and Elections.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 398

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-2-7-10.1, AS AMENDED BY P.L.171-2006,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 10.1. (a) As used in this section, "bulk form"
4 means:

5 (1) a copy of all recorded documents received by the county
6 recorder for recording in a calendar day, week, month, or year;

7 (2) the indices for finding, retrieving, and viewing all recorded
8 documents received by the county recorder for recording in a
9 calendar day, week, month, or year; or

10 (3) both subdivisions (1) and (2).

11 (b) As used in this section, "bulk user" means an individual, a
12 corporation, a partnership, a limited liability company, or an
13 unincorporated association that purchases bulk form copies. However,
14 "bulk user" does not include an individual, a corporation, a partnership,
15 a limited liability company, or an unincorporated association whose
16 primary purpose is to resell public records.

17 (c) As used in this section, "copy" means:

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(1) duplicating electronically stored data onto a disk, tape, drum, or any other medium of electronic data storage; or

(2) reproducing on microfilm.

(d) As used in this section, "indices" means all of the indexing information used by the county recorder for finding, retrieving, and viewing a recorded document.

(e) As used in this section, "recorded document" means a writing, a paper, a document, a plat, a map, a survey, or anything else received at any time for recording or filing in the public records maintained by the county recorder.

(f) **A county recorder may sell recorded documents in bulk form copies to bulk users. If the county recorder sells bulk form copies,** the county recorder shall collect the fees prescribed by this section. ~~for the sale of recorded documents in bulk form copies to bulk users of public records.~~ The county recorder shall pay the fees into the county treasury at the end of each calendar month. The fees prescribed and collected under this section supersede all other fees for bulk form copies required by law to be charged for services rendered by the county recorder to bulk users.

(g) Except as provided by subsection (h), the county recorder shall charge bulk users the following for bulk form copies:

(1) Five cents (\$0.05) per page for a recorded document, including the index of the instrument number or book and page, or both, for retrieving the recorded document.

(2) Five cents (\$0.05) per recorded document for a copy of the other indices used by the county recorder for finding, retrieving, and viewing a recorded document.

(h) As used in this subsection, "actual cost" does not include labor costs or overhead costs. The county recorder may charge a fee that exceeds the amount established by subsection (g) if the actual cost of providing the bulk form copies exceeds the amount established by subsection (g). However, the total amount charged for the bulk form copies may not exceed the actual cost plus one cent (\$0.01) of providing the bulk form copies.

(i) **If the county recorder sells bulk form copies under this section,** the county recorder shall provide bulk users with bulk form copies in the format or medium in which the county recorder maintains the recorded documents and indices. If the county recorder maintains the recorded documents and indices in more than one (1) format or medium, the bulk user may select the format or medium in which the bulk user shall receive the bulk form copies. If the county recorder maintains the recorded documents and indices for finding, retrieving,

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1 and viewing the recorded documents in an electronic or a digitized
2 format, a reasonable effort shall be made to provide the bulk user with
3 bulk form copies in a standard, generally acceptable, readable format.
4 Upon request of the bulk user, the county recorder shall provide the
5 bulk form copies to the bulk user within a reasonable time after the
6 recorder's archival process is completed and bulk form copies become
7 available in the office of the county recorder.

8 (j) Bulk form copies under this section may be used:

9 (1) in the ordinary course of the business of the bulk user; and

10 (2) by customers of the bulk user.

11 The bulk user may charge its customers a fee for using the bulk form
12 copies obtained by the bulk user. However, bulk form copies obtained
13 by a bulk user under this section may not be resold.

14 (k) All revenue generated by the county recorder under this section
15 shall be deposited in the recorder's record perpetuation fund and used
16 by the recorder in accordance with section 10(c) of this chapter.

17 (l) This section does not apply to enhanced access under
18 IC 5-14-3-3.

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